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5 State of California  
6 Division of Water Resources  
7 State Engineer

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Apr. 3, 1950  
WALDO J. SMITH, CLERK  
By s/ ANNETTA MCKENZIE  
Deputy

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PAGE 462

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SISKIYOU

10 ....oOo....

11 IN THE MATTER OF THE DETERMINATION  
12 OF THE RIGHTS OF THE VARIOUS CLAIMANTS  
13 TO THE WATER OF SEIAD CREEK STREAM  
14 SYSTEM IN SISKIYOU COUNTY, CALIFORNIA

NO. 13774

DECREE

15 ....oOo....

16  
17 The above entitled cause having come on regularly for hearing, trial  
18 and determination on the 20th day of January, 1950, before this Court sitting  
19 without a jury, Mark C. Nosler appearing as attorney for the Department of  
20 Public Works of the State of California, Division of Water Resources, acting  
21 through the State Engineer, hereinafter referred to as "Department"; George A.  
22 Tebbe appearing as attorney for Arroyo Seco Gold Dredging Company, a corpora-  
23 tion, and Yreka Gold Dredging Company, a corporation; and C. J. Luttrell  
24 appearing as attorney for W. R. Shadburne; all parties in interest in said  
25 proceeding having been duly and regularly notified of said hearing, trial and  
26 determination and no exceptions having been filed to the Order of Determination  
27 on file herein; the Department, having made motion for entry of decree in  
28 accordance with said Order of Determination; and the Court being fully advised  
29 in the premises; and having entered an order affirming said Order of Determina-  
30 tion; and the Court, pursuant to affidavit and request filed herein, having  
31 entered an order dated March 31, 1950, substituting Walter W. Robinson, Jr.,

1 in place and stead of Walter W. Robinson as a claimant in and party to this  
2 proceeding as to the water right defined in paragraph 32 hereof, and the 13.8  
3 acre parcel of land irrigated from the Upper Chace Ditch described in Schedule  
4 1 hereof under the name "Walter W. Robinson, Jr."; now therefore, the Court  
5 renders this its decree determining the rights of all persons involved in said  
6 proceeding in accordance with said Order of Determination as follows, to wit:

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

8 1. All of the rights hereinafter set forth are subject to all  
9 definitions, limitations and provisions hereinafter set forth under the head-  
10 ing "GENERAL DEFINITIONS, LIMITATIONS AND PROVISIONS."

11 2. The following claimants are corporations organized and exist-  
12 ing under and by virtue of the laws of the State of California, and their  
13 offices and principal places of business are set forth after their respective  
14 names as follows, to wit: Arroyo Seco Gold Dredging Company, San Francisco,  
15 California; and Yreka Gold Dredging Company, San Francisco, California.

16 HISTORY OF THE PROCEEDING

17 3. This proceeding was initiated, pursuant to Division 2, Part 3,  
18 Chapter 3 of the Water Code, by petition of Arroyo Seco Gold Dredging Company,  
19 Yreka Gold Dredging Company, Mr. and Mrs. R. G. Priddy, Mrs. Bertha R. Bradley,  
20 Mrs. Nettie Rogers, W. R. Shadburne and Frank E. Smith. Said petition, duly  
21 filed with the Department on December 23, 1946, requested a determination  
22 of the rights of the various claimants in and to the use of the water of Seiad  
23 Creek stream system in Siskiyou County.

24 4. Upon investigation the Department found the facts and conditions  
25 to be such that the public interest and necessity would be served by the deter-  
26 mination petitioned for. On January 28, 1947, by order duly given and made,  
27 the Department granted said petition, and thereafter duly gave notice by publi-  
28 cation, setting forth the entry of the aforesaid order and of the pendency of  
29 this proceeding, specifying the date upon which the Department would begin its  
30 examination of said stream system, to wit: May 1, 1947, and prescribing and  
31 requiring all claimants to rights in and to the use of the water of said Seiad

1 Creek stream system to make proof of their claims.

2           5. At the time set in said notice the Department began its in-  
3 vestigation of the flow of Seiad Creek stream system, and of the conduits  
4 diverting water, and of the lands irrigated or irrigable therefrom and pro-  
5 ceeded to gather all other data and information essential to the proper deter-  
6 mination of the rights in and to the use of the water therefrom, and thereafter  
7 the Department reduced its observations, data, information and measurements to  
8 writing and executed surveys and prepared maps from the observations of such  
9 surveys in accordance with uniform rules and regulations duly and regularly  
10 adopted by the Department, which surveys and maps showed with substantial  
11 accuracy the course of the streams involved in said proceeding, the location  
12 of each conduit diverting water therefrom, the land irrigated and capable of  
13 being irrigated by each conduit, and the kind of culture upon said irrigated  
14 lands. Said maps were prepared by the Department as the surveys and observa-  
15 tions progressed, and when completed were duly and regularly filed and made of  
16 record in the office of the Department.

17           6. Upon the completion of the aforesaid measurements and maps and  
18 after filing of said observations, data, information and measurements, as  
19 aforesaid, the Department, by order duly given and made, gave notice by publi-  
20 cation thereof setting forth March 15, 1948, as the date prior to which proofs,  
21 to be furnished by claimants, in and to the use of the waters involved in said  
22 proceeding, were required to be filed with the Department, and the Department  
23 gave like notice and enclosed therewith blank forms of proofs by registered  
24 mail, with postage fully prepaid thereon, to each claimant to rights in and  
25 to the use of the waters involved in this proceeding, insofar as such claimant  
26 could be reasonably ascertained at his last known place of address. Within  
27 the period so set claimants herein duly filed with the Department sixteen  
28 proofs of their respective rights in and to the use of the waters involved in  
29 said proceeding.

30           7. After the filing of proofs by claimants as aforesaid, and after  
31 the expiration of the time fixed by the Department for the filing of said proofs,

1 the Department duly assembled all proofs which had been filed and prepared  
2 and duly certified an abstract of all said proofs, entitled "Abstract of Proofs  
3 of Claims, March, 1948", and thereafter by order duly given and made, prepared  
4 a notice fixing and setting a time and place convenient to the claimants when  
5 and where evidence taken by or filed with the Department would be open to in-  
6 spection for a period of not less than ten days; and a copy of said notice to-  
7 gether with a copy of said abstract of proofs, was thereafter, and more than  
8 fifteen days prior to the first day prescribed in said order as the commence-  
9 ment of the period of such inspection, duly mailed by registered mail, with  
10 the postage fully prepaid thereon, to each claimant who had appeared and filed  
11 proofs, and thereafter and in accordance with said notice all of the evidence  
12 taken by or filed with the Department was open for inspection at the times and  
13 in the place and for the period designated in said notice, and any and all  
14 persons during said period were permitted to inspect such evidence and proofs,  
15 and during all of said period of inspection, a representative of the Depart-  
16 ment was present.

17 8. Two contests of claims were filed with the Department within  
18 fifteen days after expiration of the time during which said evidence and proofs  
19 were opened to public inspection; within ten days after the receipt of the  
20 notice of each of said contests, the Department notified by registered mail  
21 the contestants and the claimants respectively involved in each of said con-  
22 tests of the respective time and place fixed for hearing the matter of said  
23 contests, each of said times being fixed not less than fifteen nor more than  
24 sixty days from the respective time the Department mailed said notice of hear-  
25 ing, and the Department duly opened and from time to time continued said hear-  
26 ings of contests and finally dismissed and cancelled said hearings upon the  
27 withdrawal of said contests by agreement. The agreement, signed by all parties  
28 involved in said contests, is dated May 23, 1949, and is no file in this pro-  
29 ceeding.

30 9. Said Department duly made, on October 31, 1949, its order,  
31 determining and establishing the several rights to the water of Selad Creek

1 stream system, in Siskiyou County, California, which said order was entered of  
2 record on said date in the office of said Department in Book 2, Orders of Deter-  
3 mination, at page 105, which said order was duly certified by said Department.  
4 Thereafter said Department caused said Order of Determination so certified to  
5 be printed and a copy thereof to be sent by registered mail, postage fully pre-  
6 paid thereon, to each person who filed proof of claim, directed to the last  
7 known place of address.

8           10. At the time of submission of said proofs, said Department  
9 collected the fees due thereon, and after the time of mailing its Order of  
10 Determination as aforesaid, computed the entire expense incurred in performing  
11 the duties prescribed, in this proceeding, including salaries, wages, traveling  
12 expenses, and all costs of whatever character properly chargeable to the pro-  
13 ceeding, and duly made an equitable apportionment against the parties, of said  
14 expense in excess of the total amount received by the Department from claimants  
15 with their submission of said proofs, and duly served, on November 30, 1949, a  
16 notice of statement and apportionment of said expense, by registered mail with  
17 the postage fully prepaid thereon, on each of the parties to this proceeding.  
18 No objections having been filed by any party to this proceeding, to said state-  
19 ment and apportionment of expense within the period prescribed; said statement  
20 and apportionment of expense was duly approved by the Court on January 20, 1950;  
21 and said Court duly ordered that all apportionments of expense remaining unpaid  
22 at the time of entry of decree should be included therein.

23           11. After entry of the Order of Determination as aforesaid, and on  
24 November 23, 1949, a certified copy thereof, together with the original evidence  
25 and transcript of testimony filed with or taken before the Department, all duly  
26 certified by said Department, was filed with the clerk of the Superior Court of  
27 the State of California in and for the County of Siskiyou. Upon the filing of  
28 said certified copy of said order, evidence and transcript with the Clerk of  
29 said Court, and on November 23, 1949, the Department procured an order from  
30 said Court setting January 20, 1950, at ten o'clock in the morning of said day  
31 in the courtroom of said Court in the City of Yreka in said county and state,

1 as the time and place for hearing on said Order of Determination. The Depart-  
2 ment thereupon procured from the Clerk of said Court a certified copy of said  
3 order of said Court setting the time and place for hearing as aforesaid, and  
4 forthwith the Department mailed a copy of such certified copy of said order  
5 by registered mail, with postage fully prepaid thereon, addressed to each known  
6 party in interest at his last known place of address, and duly caused said  
7 certified copy of said order to be published, and duly filed with the Clerk of  
8 said Court proof of such service by registered mail and publication.

9 12. No exceptions were filed with said Court within the prescribed  
10 time and manner, and said proceeding came on duly and regularly for hearing  
11 before the Court on January 20, 1950, at which time said Court made an order  
12 affirming said Order of Determination.

13

14

#### DESCRIPTION OF AREA INVOLVED

15 13. Seiad Creek rises on the southerly slopes of the Siskiyou  
16 Mountains in the northwesterly portion of Siskiyou County, California. The  
17 main stream has its source in the east and west forks which unite about three  
18 miles below their respective sources. From this junction the stream takes a  
19 southerly course through a steep, narrow canyon for a distance of about two  
20 miles and then flows southwesterly through Seiad Valley about three miles to  
21 a junction with the Klamath River. Two tributaries, Canyon Creek and Darky  
22 Creek, join the main stream near the head of Seiad Valley one mile and one and  
23 one-half miles, respectively, from the Klamath River. The stream system drains  
24 an area of about twenty-nine square miles which ranges in elevation from about  
25 1,400 to 6,700 feet.

26 14. The waters of the stream system are used for irrigation, mining,  
27 domestic and stock-watering purposes, with the two latter uses largely inciden-  
28 tal to irrigation. A total area of approximately 307 acres of land is irrigated.  
29 The elevations of this area range from about 1,800 feet at the northeasterly end  
30 of Seiad Valley to 1,400 feet along Klamath River.

31 15. The climatic characteristics of the area, in common with similar

1 mountain valley areas in the north central portion of California, are defi-  
2 cient rainfall, wide range of temperature variations, low humidity and rapid  
3 evaporation during the growing season. The average growing season in the area  
4 is estimated to be about 180 days.

5           16. The principal crops grown on the irrigated lands are alfalfa,  
6 meadow hay, grain and pasturage. These crops are well adapted to the gravel-  
7 ly loam soils of the area.

8           17. The successful production of crops within the area is depen-  
9 dent upon irrigation, and since the water supply of the Seiad Creek stream  
10 system is inadequate for all agricultural needs throughout each irrigation  
11 season, it is essential that the rights in and to the use of said water  
12 be determined in order that there may be an orderly distribution thereof to  
13 the lawful owners.

14

15           GENERAL DEFINITIONS, LIMITATIONS AND PROVISIONS

16           18. The term "proceeding" when used herein means "in the matter  
17 of the determination of the rights of the various claimants to the water  
18 of Seiad Creek stream system in Siskiyou County, California"; the term  
19 "Department" when used herein means the "Department of Public Works of the  
20 State of California, acting through the State Engineer"; the term "Water  
21 Code" when used herein means the Water Code of the State of California,  
22 as amended; the term "stream system" when used herein means Seiad Creek  
23 stream system above its junction with Klamath River; the term "claimant"  
24 when used herein means a party claiming rights in and to the use of the  
25 water of Seiad Creek stream system in Siskiyou County, California; the  
26 term "proof" when used herein means "Proof of Claim of Water Right".

27           19. Although all quantities of water hereinafter allotted to the  
28 several claimants for direct application to beneficial use are severally ex-  
29 pressed in terms of continuous flow, nevertheless, nothing herein contained

1 shall be construed as limiting or restricting the rights of any such claimants  
2 to rotate in the use of water, or the right of any such claimant to divert for  
3 limited periods of time convenient irrigation heads, and thus apply water to  
4 his lands at a greater rate than indicated by the quantity of continuous flow  
5 so allotted; provided, that such practice of rotation or use of irrigation  
6 heads shall not result in the use by any such claimant of a total quantity of  
7 water during any thirty-day period in excess of the equivalent of such claim-  
8 ant's continuous flow allowance for thirty days; and provided further, that  
9 such practice of rotation or such use of irrigation heads shall not impair or  
10 infringe the rights of any other claimant.

11           20. Nothing herein contained shall, or shall be construed to,  
12 prevent any of the claimants herein, who jointly use a ditch, where there is  
13 a continuous flow allotment to said ditch, from employing by agreement of such  
14 joint users of said ditch a system of rotation in use as among themselves; or  
15 prevent any claimant herein who has allotments to two or more ditches, from  
16 using all or any portion of the aggregate of such allotments through each or  
17 any of said ditches on all or any portion of his lands; provided the total  
18 quantity of water diverted by said claimant at any time shall not exceed said  
19 aggregate of such allotments; and provided further, such practice of rotation  
20 or such use of irrigation heads shall not impair or infringe the rights of any  
21 other claimant.

22           21. The term "directly apply to beneficial use" means the direct  
23 conveyance and application of water diverted to beneficial use without inter-  
24 mediate storage, except such regulatory storage as may be practiced for the  
25 purpose of equalizing the flow of water diverted for a convenient irrigation  
26 head.

27           22. The term "natural flow" means such flow as will naturally occur  
28 at any given point in a stream from the runoff of the watershed which it drains,  
29 from springs which naturally contribute to the stream, from seepage, and from  
30 waste and return flow from dams, conduits and irrigated lands, as distinguished  
31 from released stored water, and from foreign water directly conveyed to the



1 stream from another watershed.

2           23. Nothing herein contained shall, or shall be construed to,  
3 allocate to any claimant a right to divert from the stream system at any time,  
4 a quantity of water in excess of the amount reasonably necessary for, and  
5 actually applied to, reasonable beneficial use under and by reasonable methods  
6 of diversion and use by said claimant.

7           24. The "Division of Water Resources Map", hereinafter referred to  
8 as D.W.R. Map, is the map prepared by the Department from its surveys made in  
9 1947, which map is entitled "Seiad Creek Stream System Showing Diversions and  
10 Irrigated Lands, Siskiyou County, California", is dated 1947, and is on file  
11 in this proceeding.

12

13                               DEFINITION OF WATER RIGHTS

14           25. The rights in and to the water, and in and to the use thereof,  
15 from said stream system are divided into two separate groups, designated as  
16 Seiad Creek Group and Canyon Creek Group, and all rights in each group are  
17 independent of all rights in the other group.

18           26. The various claimants in the proceeding are entitled to use  
19 of the water of said stream system upon the places of use hereinafter described  
20 under their respective names in Schedule 1, and are entitled to divert said  
21 water at the respective points of diversion from said stream system as herein-  
22 after named, numbered and described in Schedule 2. The respective points of  
23 measurement of the quantities of water hereinafter allotted to the several  
24 claimants are at or near said respective points of diversion from said stream  
25 system.

26           27. The various claimants in the proceeding are entitled to  
27 "interrelated", "winter class" and "surplus class" water rights. All alloca-  
28 tions of "interrelated" water rights in each of said groups in said stream  
29 system, as hereinbefore designated in paragraph 25, occur in various priority  
30 classes and are hereinafter set forth in Schedules 3 and 4; each of said groups  
31 contains rights in "winter class" as hereinafter set forth in paragraphs 31 and

1 35, which rights are independent of all "interrelated" rights in the group in  
2 which said "winter class" rights occur. The Seiad Creek Group contains one  
3 right in "surplus class" as hereinafter set forth in paragraph 32, in addition  
4 to the water right allocations set forth in said Schedule 3 and paragraph 31,  
5 which right is subject and inferior to all other rights in said Seiad Creek  
6 Group.

7 28. All allotments in priority class "1st" set forth in Schedule 4  
8 hereof shall be for continuous use without regard to season; all allotments  
9 in priority classes "1st" to "4th", inclusive, set forth in Schedule 3 hereof  
10 and all allotments in priority class "2nd" set forth in Schedule 4 hereof,  
11 shall be for use during the season from April 1 to September 30, both dates  
12 inclusive, of each year; all allotments in "winter class" set forth in para-  
13 graphs 31 and 35, respectively, shall be for continuous use from October 1 of  
14 each year to and including March 31 of the succeeding year; and the allotment  
15 in "surplus class" set forth in paragraph 32 shall be for diversion from  
16 April 1 to July 31, both dates inclusive, of each year.

17

18 Definition of Water Rights in Seiad Creek Group

19 29. The Seiad Creek Group, as hereinbefore designated in paragraph  
20 25, comprises all rights in and to the water, and in and to the use thereof of  
21 Seiad Creek. Said group contains "interrelated" rights in four priority  
22 classes, as set forth in Schedule 3 hereof and hereinafter defined in paragraph  
23 30; "winter class" rights in two priority classes, as hereinafter set forth and  
24 defined in paragraph 31; and one "surplus class" right, as hereinafter set forth  
25 and defined in paragraph 32.

26 30. The various claimants enumerated in Schedule 3 hereof are  
27 entitled to "interrelated" rights in priority class "1st", priority class  
28 "2nd", priority class "3rd", and priority class "4th" in and to the use of  
29 the natural flow of Seiad Creek, during the season hereinbefore stated in  
30 paragraph 28, for domestic, stock-watering and irrigation purposes upon their  
31 respective lands as shown on said D.W.R. Map and as described under

1 their respective names in Schedule 1 hereof, in accordance with the acreages  
2 to be supplied, priorities and quantities of water allotted, and through the  
3 diversions numbered as set forth in said Schedule 3. Said right in priority  
4 class "1st" is superior in priority and in right to said rights in priority  
5 classes "2nd" to "4th", inclusive, and to the said right hereinafter defined  
6 in "surplus class". Said rights in priority class "2nd" are equal in prior-  
7 ity and correlative in right, are subject and inferior to said right in  
8 priority class "1st", but are superior in priority and in right to said rights  
9 in priority classes "3rd" and "4th", and to the said right hereinafter defined  
10 in "surplus class", and at all times when the available water supply is in-  
11 adequate to supply all of said rights in priority class "2nd", then during  
12 the continuance of such shortage, the owners of such rights shall prorate  
13 the available water supply, if any, in excess of the quantity required to  
14 supply all prior rights, in accordance with their respective allotments in  
15 said priority class "2nd" as set forth in said Schedule 3. Said rights in  
16 priority class "3rd" are equal in priority and correlative in right, are  
17 subject and inferior to said rights in priority classes "1st" and "2nd", but  
18 are superior in priority and in right to said rights in priority class "4th",  
19 and to said right hereinafter defined in "surplus class", and at all times  
20 when the available water supply is inadequate to supply all of said rights  
21 in priority class "3rd", then during the continuance of such shortage, the  
22 owners of such rights shall prorate the available water supply, if any, in  
23 excess of the quantity required to supply all prior rights, in accordance  
24 with their respective allotments in said priority class "3rd" as set forth  
25 in said Schedule 3. Said rights in priority class "4th" are equal in priority  
26 and correlative in right, are subject and inferior to said rights in priority  
27 classes "1st" to "3rd", inclusive, but are superior in priority and in right  
28 to said right hereinafter defined in "surplus class", and at all times when  
29 the available water supply is inadequate to supply all of said rights in  
30 priority class "4th", then during the continuance of such shortage, the owners  
31 of such rights shall prorate the available water supply, if any, in excess of

1 the quantity required to supply all prior rights, in accordance with their  
2 respective allotments in said priority class "4th" as set forth in said  
3 Schedule 3, provided however, that in accordance with agreement herein re-  
4 ferred to in paragraph 8, W. R. Shadburne shall at all times maintain a con-  
5 duit for the conveyance of the water allocated herein to Arroyo Seco Gold  
6 Dredging Company and Yreka Gold Dredging Company through the Grant Lowden  
7 Ditch (Diversion 10), or as much thereof as is available for diversion, and  
8 shall deliver said water, with a maximum conveyance loss of two per cent, to  
9 the companies' measuring device located at the boundary line between the  
10 lands of said companies and of W. R. Shadburne.

11 31. The various claimants hereinafter enumerated in this para-  
12 graph, are entitled to "winter class" rights in priority class "1st" and  
13 priority class "2nd" in and to the use of the natural flow of Seiad Creek,  
14 during the season hereinbefore stated in paragraph 28, for domestic and  
15 stock-watering purposes upon their respective lands as shown on said D.W.R.  
16 Map and as described under their respective names in Schedule 1 hereof, in  
17 accordance with the quantities of water and priorities allotted and through  
18 the diversions numbered as set forth opposite their respective names, to wit:

19		Diversion	Allotment in	
20	<u>Name of Claimant</u>	<u>No. as per</u> <u>D.W.R. Map</u>	<u>cubic feet</u> <u>per second</u>	<u>Priority</u> <u>Class</u>
21	Arroyo Seco Gold Dredging Co.			
22	and Yreka Gold Dredging Co.	10	0.20	1st
23	W. R. Shadburne	9 & 10	<u>0.10</u>	2nd
24	Total		0.30	

25 Said right in priority class "1st" is superior in priority and in right to  
26 said right in priority class "2nd".

27 32. Subject to all rights hereinbefore defined, WALTER W. ROBINSON,  
28 JR., is entitled to divert as a right in "surplus class" from the natural flow  
29 of Seiad Creek at a point designated on said D.W.R. Map as Diversion 2, de-  
30 scribed in Schedule 2, hereof, through the Upper Chace Ditch,  
31 0.30 cubic foot per second,

1 during the period from April 1 to July 31, both dates inclusive, of each year  
2 for domestic and irrigation purposes upon the 13.8 acres served by said ditch  
3 as hereinafter described under his name in Schedule 1.

4

5 Definition of Water Rights in Canyon Creek Group

6 33. The Canyon Creek Group, as hereinbefore designated in paragraph  
7 25, comprises all rights in and to the water and in and to the use thereof of  
8 Canyon Creek. Said group contains "interrelated" rights in two priority classes,  
9 as set forth in Schedule 4 hereof and hereinafter defined in paragraph 34, and  
10 "winter class" rights equal in priority and correlative in right, as hereinafter  
11 set forth and defined in paragraph 35.

12 34. The various claimants enumerated in Schedule 4 hereof are entit-  
13 led to "interrelated" rights in priority class "1st", and priority class "2nd"  
14 in and to the use of the natural flow of Canyon Creek, during the seasons here-  
15 inbefore stated in paragraph 28, for domestic, stock-watering and irrigation  
16 purposes upon their respective lands as shown on said D.W.R. Map and as des-  
17 cribed under their respective names in Schedule 1 hereof, in accordance with  
18 the acreages to be supplied, priorities and quantities of water allotted, and  
19 through the diversions numbered as set forth in said Schedule 4. Said rights  
20 in priority class "1st" are equal in priority and correlative in right, are  
21 superior in priority and in right to said right in priority class "2nd", and  
22 at all times when the available water supply is inadequate to supply all of  
23 said rights in priority class "1st", then during the continuance of such short-  
24 age, the owners of such rights shall prorate the available water supply in  
25 accordance with their respective allotments in said priority class "1st" as  
26 set forth in said Schedule 4. Said right in priority class "2nd" is subject  
27 and inferior to said rights in priority class "1st".

28 35. The various claimants hereinafter enumerated in this paragraph  
29 are entitled to "winter class" rights in and to the use of the natural flow of  
30 Canyon Creek, during the season hereinbefore stated in paragraph 28, for domestic  
31 and stock-watering purposes upon their respective lands as shown on said D.W.R.

1 Map and as described under their respective names in Schedule 1 hereof, in  
2 accordance with the quantities of water allotted and through the diversions  
3 numbered as set forth opposite their respective names, to wit:

4	<u>Name of Claimant</u>	<u>Diversion No. as</u>	<u>Allotment in cubic</u>
5		<u>per D. W. R. Map</u>	<u>feet per second</u>
6	Glenn S. Robinson	8	0.06
7	R. G. Priddy and Blanche A. Priddy	8a	<u>0.10</u>
8			
9	Total		0.16

10 Said rights are equal in priority and correlative in right, and at all  
11 times when the available water supply is inadequate to supply all of said  
12 rights set forth in this paragraph, then during the continuance of such  
13 shortage, the owners of said rights shall prorate the available water  
14 supply in accordance with their respective allotments as herein set forth.

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SCHEDULE 1

DESCRIPTION OF PLACES OF USE OF  
ALLOTMENTS FROM SEIAD CREEK STREAM SYSTEM

Arroyo Sego Gold Dredging Company and Yreka Gold Dredging Company

3.7 acres in Tract 52 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.  
22.8 acres in Tract 53 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.  
13.5 acres in Tract 53 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.  
5.4 acres in Tract 56 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.  
45.4 acres - Total (Grant Lowden Ditch)

6.0 acres in Tract 52 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.  
0.7 acre in Tract 53 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.  
35.6 acres in Tract 53 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.  
18.0 acres in Tract 53 in Section 13, T. 46 N., R. 12 W., M.D.B. & M.  
2.4 acres in Tract 53 in Section 14, T. 46 N., R. 12 W., M.D.B. & M.  
8.5 acres in Tract 56 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.  
24.9 acres in Tract 57 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.  
25.4 acres in Tract 57 in Section 13, T. 46 N., R. 12 W., M.D.B. & M.  
2.3 acres in Tract 57 in Section 14, T. 46 N., R. 12 W., M.D.B. & M.  
3.2 acres in Tract 59 in Section 11, T. 46 N., R. 12 W., M.D.B. & M.  
1.1 acres in Tract 59 in Section 13, T. 46 N., R. 12 W., M.D.B. & M.  
8.0 acres in Tract 59 in Section 14, T. 46 N., R. 12 W., M.D.B. & M.  
136.1 acres - Total (Upper and Lower Lowden Ditches)

Marshall E. Burstad

6.4 acres in Tract 44 in Section 5, T. 46 N., R. 11 W., M.D.B. & M.  
24.2 acres in Tract 44 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.  
30.6 acres - Total (Upper Rainey Ditch)

4.0 acres in Tract 44 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.  
4.0 acres - Total (Upper Lowden Ditch)

7.6 acres in Tract 44 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.  
12.4 acres in Tract 45 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.  
2.8 acres in Tract 45 in Section 7, T. 46 N., R. 11 W., M.D.B. & M.  
22.8 acres - Total (Canyon Creek Ditch)

6.0 acres in Tract 45 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.  
3.6 acres in Tract 45 in Section 7, T. 46 N., R. 11 W., M.D.B. & M.  
9.6 acres - Total (Middle Rainey Ditch)

4.0 acres in Tract 45 in Section 7, T. 46 N., R. 11 W., M.D.B. & M.  
4.0 acres - Total (Lower Rainey Ditch)

4.0 acres in Tract 44 in Section 5, T. 46 N., R. 11 W., M.D.B. & M.  
6.0 acres in Tract 44 in Section 6, T. 46 N., R. 11 W., M.D.B. & M.  
10.0 acres - Total (Upper South Rainey Ditch)

SCHEDULE 1 (Cont'd.)

R. G. Priddy and Blanche A. Priddy

2.6 acres in Lot 16 of Section 6, T. 46 N., R. 11 W., M.D.B. & M.  
2.6 acres - Total

Glenn S. Robinson

Domestic Purposes in Lot 16 of  
Section 6, T. 46 N., R. 11 W., M.D.B. & M.

Walter W. Robinson, Jr.

0.2 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, T. 47 N., R. 11 W., M.D.B. & M.  
6.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, T. 47 N., R. 11 W., M.D.B. & M.  
3.8 acres in Tract 41 in Section 5, T. 46 N., R. 11 W., M.D.B. & M.  
3.6 acres in Lot 9 of Section 5, T. 46 N., R. 11 W., M.D.B. & M.  
13.8 acres - Total (Upper Chace Ditch)

Walter W. Robinson, Sr.

14.9 acres in Tract 42 in Section 5, T. 46 N., R. 11 W., M.D.B. & M.  
14.9 acres - Total (Lower Chace Ditch)

W. R. Shadburne

23.3 acres in Tract 56 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.  
23.3 acres - Total

Frank E. Smith and Margaret Smith

4.4 acres in Tract 56 in Section 12, T. 46 N., R. 12 W., M.D.B. & M.  
4.4 acres - Total



# SCHEDULE 2

## POINTS OF DIVERSION FROM SEIAD CREEK STREAM SYSTEM

4	:	:	Number	:	:	:	Approximate Location of Point of Diversion	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
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### SCHEDULE 3

#### ALLOCATIONS TO VARIOUS CLAIMANTS FROM SEIAD CREEK

Claimant	Acreage to be Supplied	Diversion: Number as per D.W.R. Map	Priority Class and Allotment in Cubic Feet per Second	Total	
			1 : 2 : 3 : 4 :		
Walter W. Robinson, Sr.	14.9	3	:0.30:	0.30	6
Marshall E. Burstad	58.2	4, 5a, 5, 6 or 9	:1.20:	1.20	3
R. G. Priddy and Blanche A. Priddy	2.6	4	:0.06:	0.06	4
Arroyo Seco Gold Dredging Co. and Yreka Gold Dredging Co.	136.1	5 or 12	:0.70:0.76:1.24:	2.70	7
W. R. Shadburne	23.3	9 or 10	:0.60:	0.60	6+7
Arroyo Seco Gold Dredging Co. and Yreka Gold Dredging Co.	45.4	10	:0.50:0.40:	0.90	7
Frank E. Smith and Margaret Smith	4.4	11	:0.10:	0.10	8
Total	284.9		:0.70:2.52:1.64:1.00:	5.86	

### SCHEDULE 4

#### ALLOCATIONS TO VARIOUS CLAIMANTS FROM CANYON CREEK

Claimant	Acreage to be Supplied	Diversion: Number as per D.W.R. Map	Priority Class and Allotment in Cubic Feet per Second	Total	
			1 : 2 :		
Marshall E. Burstad	22.8	7	:0.50:	0.50	
Glenn S. Robinson	Domestic	8	:0.06:	0.06	5
R. G. Priddy and Blanche A. Priddy	Domestic	8a	:0.10:	0.10	4
Total	22.8		:0.16 : 0.50 :	0.66	

See IF 32 for Totals

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED as follows:

2 51 26. That the court retains continuing jurisdiction of the parties  
3 to this proceeding, and of the subject matter thereof, and upon application  
4 of any party hereto, or successor in interest thereof, or upon its own  
5 motion, to review this decree and to change <sup>or</sup> and modify the same as the inter-  
6 ests of justice may require.

7 55 27. That each and every party to this action, his or her agents,  
8 successors, grantees and assigns, be and hereby are estopped to object to  
9 or interfere with the respective rights of others which are decreed herein.

10 56 28. That each and every party to this action, his or her agents,  
11 successors, grantees and assigns, be and <sup>hereby are</sup> ~~are hereby~~ perpetually enjoined and  
12 restrained from doing anything in violation of the terms or provisions of  
13 this judgment and decree, and from diverting any water from said <sup>Indian</sup> ~~Salt~~ Creek  
14 stream system at any time in excess of a quantity reasonably necessary for,  
15 and actually applied to, reasonable beneficial use, under and by reasonable  
16 methods of diversion and use, and from doing anything, directly or indirect-  
17 ly, that will obstruct or interfere with any right of another adjudged and  
18 decreed herein.

19 57 30. The Department having computed the entire expense incurred  
20 in performing the duties prescribed, in this proceeding, and having equit-  
21 ably apportioned against the parties to this proceeding the amount by which  
22 said entire expense exceeded the total amount received from claimants on  
23 account of fees paid at the time of submission of proofs of claim, and  
24 having given notice thereof to the parties to this proceeding; no objection  
25 having been made to said expense or apportionment thereof; said apportion-  
26 ments having become due and payable to said Department by the respective  
27 parties; and all parties having heretofore paid their respective apportion-  
28 ments excepting those parties against whom <sup>judgment</sup> ~~decree~~ in favor of said Depart-  
29 ment is rendered as follows:

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Department  
2 of Public Works, Division of Water Resources, acting through the State  
3 Engineer, do have and recover of and from the respective parties to this  
4 proceeding the amounts of money as respectively hereinafter set forth  
5 after their respective names together with interest thereon from date here-  
6 of until paid at the rate provided by law:

7

8	<u>Name of Party</u>	<u>Amount of Apportionment</u>
9	R. G. Priddy and Blanche A. Priddy	\$ 38.22
10	Glenn S. Robinson	23.97

12

13

14 Done this <sup>December</sup> 3rd day of April, 1950.

15

s/ JAMES M. ALLEN  
Judge of the Superior Court

16 STATE OF CALIFORNIA )  
17 COUNTY OF SISKIYOU ) ss.

18 I, WALDO J. SMITH, County Clerk and ex-officio Clerk of the  
19 Superior Court of the State of California, in and for the County of Siskiyou,  
20 do hereby certify the foregoing to be a full, true and correct copy of the  
21 original DECREE (IN THE MATTER OF THE DETERMINATION OF THE RIGHTS OF THE  
22 VARIOUS CLAIMANTS TO THE WATER OF SELAD CREEK SYSTEM IN SISKIYOU COUNTY,  
23 CALIFORNIA) on file in my office in the above entitled matter No. 13774.

24 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the  
25 seal of said court this 10th day of April 1950.

26

WALDO J. SMITH, County Clerk

27

By s/ Ora Jackson  
Deputy

28

(SEAL)

29

30

31